

Interview Summary	Application No. 09/247,054	Applicant(s) Antoniou et al.
	Examiner Anne-Marie Baker, Ph.D.	Group Art Unit 1632

All participants (applicant, applicant's representative, PTO personnel):

(1) Anne-Marie Baker, Ph.D.

(3) _____

(2) Doreen Trujillo

(4) _____

Date of Interview May 23, 2001

Type: a) Telephonic b) Video Conference
c) Personal [copy is given to 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No. If yes, brief description:

Claim(s) discussed: 1-21, 23, and 25

Identification of prior art discussed:

Safaya et al. (1994)

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

On May 3, 2001 the Examiner contacted the attorney to give her the citation for Safaya et al. (1994). The attorney will take a look at the reference so that we can discuss the case in light of this new reference and determine if some agreement can be made regarding the allowable subject matter. See the Interview Summary of 4/25/01.

On May 23, 2001 the Examiner contacted the attorney to discuss the case in light of the new reference which refutes Applicants assertion that LCRs had always been used in the context where they are integrated into the chromosome. The attorney indicated that she had forwarded the reference to Dr. Crombie, but has not yet heard back from him. She would like to set up an interview once she gets some feedback from him. The Examiner indicated that she will need to act on this case next week and requested that the attorney try to set up an interview by next week. (see attached sheet)

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) It is not necessary for applicant to provide a separate record of the substance of the interview (if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached

Anne-Marie Baker
ANNE-MARIE BAKER
PATENT EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

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Interview Summary

(cont.) The Examiner indicated that Claims 3, 4, 5, 12-21, 23, and 25 will be allowable over the Safaya et al. reference with some amendments to clean up the claim language. Claims 12-21, 23, and 25 all recite something about tissue-specific expression. The Safaya et al. reference is silent as to whether or not an HS2-linked gene would be expressed in a tissue-specific manner and it is unclear, based on the teachings in the prior art, if the HS2 site alone would be sufficient to confer tissue-specific expression. Claims 3, 4, and 5 will be allowable with further amendments, because each recites the use of specific LCR elements that excludes use of the HS2 site. Thus, these claims would not be obvious over Safaya et al.